

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GUSTAVO MORALES,

Plaintiff,

-against-

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CB 5989
Civil Action No.:
1:08-cv-03737-CBA

ORDER

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AMON, United States District Judge:

Attorney Charles E. Binder, who secured an award of past due benefits from the Social Security Administration for Gustavo Morales, requests that the Court award him attorneys fees under 42 U.S.C. § 406(b) to compensate him for his efforts. (ECF 29.) The Commissioner of Social Security withheld \$66,687.25 (25 percent) of Morales's past due benefits to satisfy any award of attorneys fees, and counsel requests \$35,000.00 of that withheld amount. In support of his motion, counsel has submitted a memorandum of law (ECF 29-3) as well as an affirmation that explains his extensive experience representing claimants before the Administration and that details his work on behalf of Morales in this matter (ECF 29-1). Counsel's work in this matter includes, since 1996, representation at two administrative hearings, two administrative appeals, and two appeals in federal court. Counsel has also provided the Court with a copy of the agreements that govern his representation of Morales (ECF 29-1 Ex. A, B); documents from the Administration that explain the award that he secured (ECF 29-1 Ex. C, D, E, F, G); and billing sheets that detail the 67 hours of work before this Court for which counsel is requesting the award (ECF 29-1 Ex. H, I), Burgo v. Harris, 527 F. Supp. 1157, 1158 (E.D.N.Y. 1981). The Commissioner has responded by letter to counsel's request and does not oppose it. (ECF

30.)

The Court has reviewed the submissions, as well as the applicable law, e.g., Gisbrecht v. Barnhart, 535 U.S. 789 (2002); Wells v. Sullivan, 907 F.2d 367 (2d Cir. 1990); Diz v. Astrue, No. 08-CV-1486, 2010 WL 322028 (E.D.N.Y. Jan. 26, 2010), and concludes “that the fee sought is reasonable for the services rendered.” Gisbrecht, 535 U.S. at 807. The Court orders that attorneys fees be awarded to Charles E. Binder in the amount of \$35,000.00 pursuant to 42 U.S.C. § 406(b). Upon receipt of this order, counsel must, as he concedes, remit to Morales the \$5,691.71 that counsel previously received as fees under the Equal Access to Justice Act.

SO ORDERED.

DATED: Brooklyn, New York
September 13, 2010

s/Carol Bagley Amon

Honorable Carol Bagley Amon
United States District Judge